

By



S_{B.} No. 905

A BILL TO BE ENTITLED

AN ACT

relating to circumstances under which certain firefighters and police officers may be required to take a polygraph examination.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 143, Local Government Code, is amended by adding Section 143.058 to read as follows:

Sec. 143.058. POLYGRAPH EXAMINATIONS. (a) A firefighter or police officer employed by the municipality may not be required to submit to a polygraph examination as part of an internal investigation regarding the conduct of the firefighter or police officer unless:

(1) the complainant submits to and passes a polygraph examination and, if applicable, the department has complied with Subsection (c); or

(2) the firefighter or police officer is ordered to take an examination under Subsection (f).

(b) Subsection (a)(1) does not apply if the complainant is physically or mentally incapable of being polygraphed.

(c) The department shall, on the written request of a firefighter or police officer, provide to the firefighter or police officer the complainant's polygraph examination results within 48 hours after the request.

(d) For the purposes of this section, a person passes a polygraph examination if, in the opinion of the polygraph examiner,

1 no deception is indicated regarding matters critical to the subject
2 matter under investigation.

3 (e) The results of a polygraph examination that relate to
4 the complaint under investigation are not admissible in a
5 proceeding before the commission or a hearing examiner.

6 (f) The department head may order a firefighter or police
7 officer to submit to a polygraph examination if the department head
8 considers the circumstances to be extraordinary and the department
9 head believes that the integrity of a firefighter or police officer
10 or the department is in question.

11 (g) This section does not apply if Section 143.124 applies.

12 SECTION 2. This Act takes effect September 1, 1997, and
13 applies only to an investigation that is initiated on or after the
14 effective date of this Act.

15 SECTION 3. The importance of this legislation and the
16 crowded condition of the calendars in both houses create an
17 emergency and an imperative public necessity that the
18 constitutional rule requiring bills to be read on three several
19 days in each house be suspended, and this rule is hereby suspended.

A BILL TO BE ENTITLED

AN ACT: relating to circumstances under which certain firefighters and police officers may be required to take a polygraph examination.

3-3-97
MAR 10 1997

Filed with the Secretary of the Senate

Read and referred to Committee on INTERGOVERNMENTAL RELATIONS

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent
____ yeas, ____ nays

Read second time, _____, and ordered engrossed by: { unanimous consent
a viva voce vote
____ yeas, ____ nays

Senate and Constitutional 3 Day Rule suspended by a vote of ____ yeas, ____ nays.

Read third time, _____, and passed by: { A viva voce vote
____ yeas, ____ nays

SECRETARY OF THE SENATE

OTHER ACTION:

Engrossed

Sent to House

Engrossing Clerk

Received from the Senate

Read first time and referred to Committee on

Reported ____ favorably (as amended) (as substituted)

Sent to Committee on (Calendars) (Local & Consent Calendars)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote) (record vote of ____ yeas, ____ nays, ____ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of ____ yeas, ____ nays, ____ present, not voting.

Read third time (amended); finally passed (failed to pass) by a (non-record vote) (record vote of ____ yeas, ____ nays, ____ present, not voting)

Returned to Senate.

CHIEF CLERK OF THE HOUSE

Returned from House without amendment.

Returned from House with ____ amendments.

Concurred in House amendments by a viva voce vote ____ yeas, ____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____
_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;
_____, _____, _____.

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays